

The election/restriction requirement alleged that the inventions covered by the claims in Groups I and II were separate, distinct and independent. Applicant respectfully submits that this election/restriction requirement is both legally and factually improper.

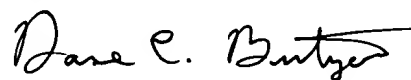
First, under current law, claims cannot be both independent and distinct. The terms “independent” and “distinct” are mutually exclusive in the context of an election/restriction requirement. In particular, Applicants direct the Examiner’s attention to MPEP § 802.01. This section of the MPEP defines the term “independent” as meaning that there is no disclosed relationship between two or more subjects disclosed in an application. In contrast, the term “distinct” is defined as meaning that two or more subjects are disclosed as related. Accordingly, the election/restriction requirement states a legally impossible basis.

Second, Groups I and II in the present application are neither independent nor distinct. This fact is evident from new claim 22, which demonstrates that the claims in Group II recite possible implementations of the invention as recited by claim 2 in Group I. Accordingly, the claims in Groups I and II are neither independent nor distinct.

For at least the foregoing reasons, reconsideration and withdrawal of the election/restriction requirement are respectfully requested. If, however, the election/restriction requirement is maintained, Applicants elect Group II.

Applicants' undersigned attorney can be reached at (614) 855-9427. All correspondence should continue to be directed to the address indicated below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Dane C. Butzer".

Dane C. Butzer  
Reg. No. 43,521

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Swernofsky Law Group  
P.O. Box 390013  
Mountain View, CA 94039-0013  
(650) 947-0700